



**MINUTES OF MEETING OF THE CITY COUNCIL  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 21, 2003, 8:00 p.m.**

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**MEETING**

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Henson.

**ROLL CALL**

Present: COUNCIL MEMBERS Jimenez, Hilson,  
Rodriguez, Ward, Dowling, Henson  
MAYOR Cooper  
Absent: None

**PUBLIC COMMENTS**

Jason Moreno spoke about a recent request for assistance by a citizen in clearing a sidewalk of mattresses. He suggested people with similar problems visit his website to complain about community preservation.

Council Member Henson noted that he did ask for the location of the problem. Staff indicated that no address has been provided.

Francisco Abrantes thanked Mr. Moreno for his help in clearing the sidewalk and solving the problem. He also discussed the problem of homelessness.

Barbara Swarr discussed the police pay for the City of Hayward, which she read from an article that Hayward's police officers were the 6<sup>th</sup> highest in the nation, noting that the upper ranks might have to be adjusted upwards.

**CONSENT**

1. Approval of Minutes of the City Council Meeting of October 14, 2003

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to approve the minutes of the City Council Meeting of October 14, 2003.

2. Sale of Surplus Property to Adjoining Property Owner at 28 West Harder Road

Staff report submitted by Deputy Director of Public Works Bauman, dated October 21, 2003, was filed.

**DRAFT**

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 03-138, "Resolution Authorizing Sale of Surplus Property Parcel No. 121 to the Adjoining Property Owner at West Harder Road"

3. Authorization for the City Manager to Execute an Exclusive Negotiating Agreement with Strizzis Restaurants, Inc., for Ground Lease of Airport Property

Staff report submitted by Airport Manager Shiner, dated October 21, 2003, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 03-139, "Resolution Authorizing the City Manager to Execute an Exclusive Negotiation Agreement Between the City of Hayward and Strizzis Restaurants, Inc. for the Ground Lease of Airport Property"

4. Resolution Adjusting the Employer Medical Contribution Rate for Retired Elected Officials

Staff report submitted by Employee Benefits Administrator Baldinelli, dated October 21, 2003, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 03-140, "Resolution Adjusting Employer Contribution Under the Public Employees' Medical and Hospital Care Act with Respect to the City of Hayward Elected Officials"

## **HEARINGS**

5. Adoption of the Housing Element for the City of Hayward

Staff report submitted by Neighborhood and Economic Development Manager Bauman, dated October 21, 2003, was filed.

Neighborhood and Economic Development (NED) Manager Bauman cited in detail the differences in this report from the one submitted to the State.



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Council Member Henson asked for clarification on particular sections related to housing for disabilities and affordable units that refer to housing for the homeless. He was particularly interested in the number of homeless in the County and the difference in programs between Hayward and Alameda County.

NED Manager Bauman stated that the City participates in a program, the Consortium of Care, to care for homeless families. She described the various programs within the County.

Council Member Jimenez commended Ms. Bauman for the excellent report. He referenced pages 5-24 and 25 and commented on Table 5-26 related to aging housing stock. He also asked whether staff had informed the State regarding the City's development of further housing stock being affordable.

Council Member Ward referred to correspondence submitted by the Hayward Coalition for Affordable Housing. He asked staff to respond to some of the concerns. He suggested that further clarification be made in stating the qualification of various sites for "build ability." He also complimented her on the document.

In response to the correspondence, NED Manager Bauman explained that staff believes their responsibility is not to further analyze but to start building.

Council Member Hilson asked how long staff had been involved in developing this element and how many cities have certified housing elements.

NED Manager Bauman responded that the report took approximately two years with various staff members and that probably half of the County cities have completed the process.

Council Member Hilson asked about the various parcels listing acreage for development. He asked what was the likelihood of developing a partial acre. He noted that there seemed to be lacking any reference to private open space. He indicated that the numbers are nice goals, but he could not see the reality of achieving these goals.

NED Manager Bauman explained that the only parcels listed that are less than one acre are contiguous to adjacent parcels, which could be developed into a high-density complex. She noted that this is in learning from past planning mistakes.

Council Member Dowling referred to the City maps and staff responded to his questions related to Caltrans properties as well as civic owned properties.

**DRAFT**

City Manager Armas clarified that leaving out the property near the airport was a conscious choice because of the problems that usually materialize in these instances. He noted that staff did not want to be misleading in that respect.

Council Member Rodriguez expressed her concerns about the number of people occupying a home. She asked about household definitions and what controls are available. She added that the maps are the best she's ever seen and urged all to refer to the information provided.

CED Administrator Ehrenthal responded that the law does not allow the City of Hayward to limit the number of people living in a particular house. The only constraints are the Building Code. It does create problems within neighborhoods.

Council Member Henson commented on the increase to average household size. He also asked for further clarification on funding sources.

NED Manager Bauman explained that final statements included the expectations and perspectives of the State as compared to the local governments. In reference to funding sources, she discussed various differences between City bond funding and State bond funding.

City Manager Armas added that these circumstances are not addressed at the State level.

Council Member Ward mentioned Hayward's place within the region and its commitment to historically providing affordable housing. He explained that there should be a full picture of what the City of Hayward is doing with regard to homelessness and assisted living units under the Section 8 program.

Mayor Cooper opened the public hearing at 8: 53 p.m.

Stephanie Roberson explained that she lives at Clarendon Homes and has been given notice of an increase and will need to move. She asked what is being done to make housing more available. She said she is a preschool teacher at Cal State and cannot afford high rental.

Mayor Cooper asked staff to respond.

NED Manager Bauman responded that as a City, staff could not compel the management to maintain below market rates or pay for relocation. The only thing they can do is encourage her to register in as many places as are available. The current rental market rate is high. She added that staff is willing to assist.

Barbara Swarr commented on the number of units on a parcel. She suggested the City of Hayward encourage private property owners to develop further units on their own property to encourage increasing housing stock within the City of Hayward.



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Jason Moreno commented on rental housing and the number of individuals living in a house. He asked which agency in the City would investigate the number of occupants in a household and how would the City go about checking whether the square footage is legal. He also suggested loan recipients be required to provide affordable housing.

CED Administrator Ehrental explained that community preservation inspectors have no right to enter property unless they are concerned about a serious health or safety violation. The rule is in the Building Code, which lists a minimum amount of square footage per person.

Mayor Cooper explained her own feelings about investigating the number of people living in a household and the rights of residents with respect to privacy.

Council Member Rodriguez commented on people who buy houses and use them as boarding houses. She explained that she was concerned about their personal home environment, acknowledging that people need shelter but some things might be abused when they are non-family members.

Mayor Cooper closed the public hearing at 9:11 p.m.

Council Member Hilson agreed with City Manager Armas, who stated that the State may make regulations, but it does not make the decisions that local governments have to make.

Council Member Dowling agreed with Council Member Hilson and highly resented the State requiring local governments to submit this document. He added that with all of the resources spent on completing this document throughout the State, some affordable housing could have been constructed.

Council Member Henson commended staff for its arduous work in particular the GIS maps that were included with the document.

Council Member Ward commended COR, a local housing group, as well as the Hayward Coalition for Affordable Housing for being instrumental in formulating this five-year document.

City Manager Armas announced that next Wednesday, COR is sponsoring an event at St. Joachim's Church at 7 p.m. to discuss housing and the various housing programs within the City of Hayward.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

**DRAFT**

Resolution 03-141, "Resolution Relying on the Previously Certified  
Environmental Impact Report and Adopting the Draft General Plan  
Housing Element"

**COUNCIL REPORTS**

Council Member Henson reported from his National League of Cities Public Safety meeting in Ocala, Florida, that he was sending a help signal to local governments to protect two major programs: Local Law Enforcement Block Grants and the COPS program. Eliminating either or both of these would hurt local law enforcement. He suggested everyone calling the White House to protest these cuts. He announced the phone number as 202-224-3121.

Council Member Jimenez mentioned an upcoming dinner celebration for Sheriff Charles Plummer on his 50 years in public safety.

Council Member Hilson described a new homebuyer's program from ABAG, available to anyone. He described the simplification of the process of purchasing a house and the costs involved.

**ADJOURNMENT**

Mayor Cooper adjourned the meeting at 9:36 p.m. with Council Member Jimenez requesting adjournment in memory of Dan Catrina, owner of Catrina's restaurant.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward

ATTEST:

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Angelina Reyes, City Clerk, City of Hayward